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 13 *Attorneys for Defendant THE NEIL JONES FOOD COMPANY, dba SAN BENITO FOODS*

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 15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 JOSEPH VALLEJO, VICTOR  
 18 ESPERICUETA and CHRISTOPHER  
 JONES on behalf of themselves and all  
 19 others similarly situated,

20 Plaintiffs

21 v.

22 THE NEIL JONES FOODS COMPANY,  
 dba SAN BENITO FOODS,

23 Defendant.

24 Case No. 5:24-cv-06835-~~EKL~~<sup>NW</sup>

Hon. Noel Wise

**JOINT STIPULATION TO EXTEND  
 BRIEFING SCHEDULE REGARDING  
 DEFENDANT'S MOTION TO DISMISS  
 PLAINTIFFS' COMPLAINT AND MOTION  
 TO STRIKE CLASS ALLEGATIONS**

[Filed with Proposed Order]

**Motion Hearing Date:** June 18, 2025  
**Motion Hearing Time:** 9:00 a.m.  
**Courtroom:** 3

1 Plaintiffs, JOSEPH VALLEJO, VICTOR ESPERICUETA and CHRISTOPHER JONES on  
 2 behalf of themselves and all others similarly situated (“Plaintiffs”), and Defendant THE NEIL  
 3 JONES FOOD COMPANY, dba SAN BENITO FOODS (“Defendant”), by and through their  
 4 respective attorneys of record, hereby stipulate and agree to the following:

5 **RECITALS**

6 This stipulation is entered into based on the following facts:

- 7 A. Plaintiffs filed the operative Complaint in this matter on September 27, 2024.
- 8 B. On November 27, 2024, this case was reassigned to Judge Eumi K. Lee.
- 9 C. On January 17, 2025, Judge Lee granted a stipulated request to extend Defendant’s  
   10 deadline to respond to the operative complaint to April 6, 2025 to allow Defendant  
   11 to provide required notice on the Sunnyslope County Water District (“Sunnyslope”),  
   12 and to file a cross claim against Sunnyslope.
- 13 D. On February 24, 2025, the Court entered an order reassigning this case to the  
   14 Honorable Noel Wise.
- 15 E. On April 7, 2025, Defendant filed its answer to the Complaint, along with a cross  
   16 claim against Sunnyslope.
- 17 F. On April 7, 2025, Defendant also filed a Motion to Dismiss Plaintiffs’ Complaint  
   18 and Motion to Strike Class Allegations.
- 19 G. The hearing on Defendant’s Motion to Dismiss was set for June 18, 2025 at 9:00  
   20 a.m.
- 21 H. Under N.D. Cal. L.R. 7-3(a), Plaintiffs’ Opposition is currently due on Monday,  
   22 April 21, 2025.
- 23 I. On April 8, 2025, Plaintiffs’ Counsel contacted Defendant’s Counsel via email to  
   24 request an extension to Plaintiffs’ deadline to respond to Defendant’s Motion to  
   25 Dismiss due to travel schedules, overlapping deadlines, and in light of the fact that  
   26 the Motion would not be heard until June 18, 2025.
- 27 J. The Parties exchanged multiple emails regarding the requested extension, and on  
   28 April 17, 2025 Counsel for the Parties held a telephone conference whereby it was

1 agreed that Plaintiffs could have up to and including May 16, 2025 to file their  
 2 response and Defendant could have up to and including May 30, 2025 to file its  
 3 Reply.

4 K. The requested extension to the briefing schedule is not being requested to impede  
 5 the litigation or vex any parties. Rather, it is to allow the Parties sufficient time to  
 6 brief Defendant's dispositive motion because of other impending deadlines and  
 7 work travel schedules. Because the hearing on Defendant's Motion is set for June  
 8 18, 2025, the requested extensions will not impact any other pending case deadlines,  
 9 and the Parties believe that the extensions will provide the Court ample time to  
 10 review briefing on the motion in advance of the hearing.

11 L. This is the first extension requested by Plaintiffs in this matter. Defendant had  
 12 previously sought and obtained an extension to answer Plaintiffs' Complaint on  
 13 December 2, 2024 and January 17, 2025 to permit Defendant to conduct an  
 14 investigation into Plaintiffs' claims and to file a cross claim against Sunnyslope.

15 **STIPULATION**

16 The above facts having been taken into consideration, the adequacy and sufficiency of  
 17 which are hereby acknowledged, the parties stipulate as follows:

- 18 1. The deadline for Plaintiffs to file a Response in Opposition to Defendant's Motion  
 19 to Dismiss and Motion to Strike Class Allegations is continued to May 16, 2025.  
 20 2. The deadline for Defendant to Reply in support of its Motion to Dismiss and Motion  
 21 to Strike Class Allegations is continued to May 30, 2025.

22  
 23 Dated: April 18, 2025

24 **LIDDLE SHEETS, P.C.**

25 */s/ Matthew Z. Robb*  
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3  
4 Dated: April 18, 2025 **COLEMAN & HOROWITT, LLP**

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10 *Attorneys for Defendant THE NEIL JONES*  
**FOOD COMPANY dba SAN BENITO FOODS**

11 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED.**

12  
13 Dated: May 5, 2025



14 Hon. Noel Wise

**CERTIFICATE OF SERVICE**

I, Matthew Z. Robb, certify and declare as follows:

1. I am over the age of 18 and not a party to this action.
  2. My business address is 975 E. Jefferson Ave., Detroit, Michigan 48207.

On April 18, 2025, I caused a copy of the foregoing to be served upon all counsel of record via the Court's CM/ECF system.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on April 18, 1025, at Detroit, Michigan.

/s/ Matthew Z. Robb

*Attorney for Plaintiffs*